UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/642,433	08/21/2000	Tomoyasu Shimizu	P/1071-1115	7961

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Keating & Bennett, LLP
10400 Eaton Place
Suite 312
Fairfax, VA 22030

EXAMINER
TRAN, DENISE

ART UNIT ·	PAPER NUMBER
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DATE MAILED: 02/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>04 February 2004</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1 and 4</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1 and 4</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>04 February 2004</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application)
since a specific reference was included in the first sentence of the specification or in an Application Data Sheet.
37 CFR 1.78.

    a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific
reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

1.   The applicant's amendment filed 2/4/04 has been considered. Claims 1 and 4

are presented for examination. Claims 2-3 and 5-6 have been canceled.

2.   The objection to the drawings is **withdrawn** due to the amended fig. 3 filed

2/4/04.

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Applicant's Admitted Prior Art, the current specification pages 1-2 and fig. 3, (hereinafter

AAPA), in view of Miyauchi, U.S. Patent No. 5,717,886.

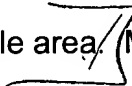As per claims 1 and 4, AAPA shows a data processing device/method

comprising:

A read only memory (e.g., page 1, line 14)

A flash memory capable of modifying information stored therein and adding

information thereto (e.g., page 1, lines 21-23);

A central processing unit performing data processing using information stored in

said read only memory and said flash memory (e.g., page 1, lines 15-24);

An information storage area provided in said flash memory for storing

predetermined modifiable information among the information used by said central

processing unit for data processing (e.g., page 1, lines 21-23); and

wherein the information used by said central processing unit for data processing

can be freely modified or added (e.g., page 1, lines 20-23).

AAPA does not explicitly show an address storage area provided in said flash

memory for storing at least the address of the information stored in said information

storage area; and an address modification control unit for, after at least one of

modification of modifiable information stored in said information storage area and

additional of modifiable information to said information storage area, and in accordance

with said one of the modification of the information and addition of the information,

performing one of modification of the address of the information stored in said address

storage area and addition of the address of the information to said address storage

area, and the address-modification control unit controls a function address table area

and a variable address table area or the address storage area includes a function

address table area and a variable address table area. Miyauchi shows an address

storage area provided in said flash memory for storing at least the address of the

information stored in said information storage area (e.g., col. 3, lines 45-53); an address

modification control unit for, after at least one of modification of modifiable information

stored in said information storage area and additional of modifiable information to said

information storage area (e.g., col. 3, lines 38-65), and in accordance with said one of

the modification of the information and addition of the information, performing one of

modification of the address of the information stored in said address storage area and

addition of the address of the information to said address storage area (e.g., col. 3, lines

38-65); and the address-modification control unit controls a function address table area

(e.g., figs. 20-21, LSA table of flash memory 104, which performs a function of storing

addresses or table 103 which performs a function of converting addresses; col. 3, lines

45-65; or figs. 6-7 a directory table of flash memory 104a performing a function of

storing a starting address A wherein file A has DAT function; col. 8, lines 5-10 and 15-

35) and a variable address table area (e.g., figs. 20-21, LSA-PSA table 103 storing

relationships LSA and PSA which tends to vary or LSA table of the flash memory 104

storing an address wherein the address or data of the address tends to vary; col. 3,

lines 45-65; col. 2, lines 40-50; or figs. 6-7 a directory table of flash memory 104a

having variable fields and for storing an address of data which tends to vary; col. 8, lines

25-35; and col. 10, lines 45-60) or Miyauchi shows the address storage area includes a

function address table area (e.g., figs. 20-21, a first LSA table of flash memory 104,

which performs a function of storing addresses; col. 3, lines 45-65; or figs. 6-7 a

directory table of flash memory 104a, which performs a function of storing a starting

address A wherein file A has DAT function; col. 8, lines 5-10 and 15-35) and a variable

address table area (e.g., figs. 20-21, a second LSA table of flash memory 104, which

stores an address wherein the address or data of the address tends to vary; col. 3, lines

45-65; col. 2, lines 40-50; or figs. 6-7 a directory table of flash memory 104a having

variable fields and for storing an address of data which tends to vary; col. 8, lines 25-35;

and col. 10, lines 45-60). It would have been obvious to one of ordinary skill in the art at

the time the invention was made to apply the teaching of Miyauchi into the system of the

AAPA because it would minimize the number of erasures when information is modified

or provide a suitable way for the flash memory to manage data more efficiency.

5.   Applicant's arguments filed 2/4/04 have been fully considered but they are not

persuasive as following responses.

6.   In the remarks, the applicant's argued (1) that neither the AAPA nor Miyauchi

teaches the feature of "the address-modification control unit controls a function address

table area and a variable address table area" as recited in Applicant's claim 1 or the

feature of "the address storage area includes a function address table area and a

variable address table area" as recited in Applicant's claim 4.

The examiner disagreed with the applicant's arguments (1) because **Miyauchi**

clearly **shows the address-modification control unit controls a function address**

table area (e.g., figs. 20-21, LSA table of flash memory 104, which performs a function

of storing addresses or table 103 which performs a function of converting addresses;

col. 3, lines 45-65; or figs. 6-7 a directory table of flash memory 104a performing a

function of storing a starting address A wherein file A has DAT function; col. 8, lines 5-

10 and 15-35) and **a variable address table area** (e.g., figs. 20-21, LSA-PSA table 103

storing relationships LSA and PSA which tends to vary or LSA table of the flash memory

104 storing an address wherein the address or data of the address tends to vary; col. 3,

lines 45-65; col. 2, lines 40-50; or figs. 6-7 a directory table of flash memory 104a

having variable fields and for storing an address of data which tends to vary; col. 8, lines

25-35; and col. 10, lines 45-60) or **Miyauchi shows the address storage area**

includes a function address table area (e.g., figs. 20-21, a first LSA table of flash

memory 104, which performs a function of storing addresses; col. 3, lines 45-65; or figs.

6-7 a directory table of flash memory 104a, which performs a function of storing a

starting address A wherein file A has DAT function; col. 8, lines 5-10 and 15-35) **and a**

variable address table area (e.g., figs. 20-21, a second LSA table of flash memory

104, which stores an address wherein the address or data of the address tends to vary;

col. 3, lines 45-65; col. 2, lines 40-50; or figs. 6-7 a directory table of flash memory 104a

having variable fields and for storing an address of data which tends to vary; col. 8, lines

25-35; and col. 10, lines 45-60). It would have been obvious to one of ordinary skill in

the art at the time the invention was made to apply the teaching of Miyauchi into the

system of the AAPA because it would minimize the number of erasures when

information is modified or provide a suitable way for the flash memory to manage data

more efficiency.

7.   In the remarks, the applicant's argued (2) that Miyauchi clearly fails to

differentiate the information to be stored in the flash memory 104 into functions and

variables as recited in applicant's claimed invention.

In response to applicant's argument (2) that the references fail to show certain

features of applicant's invention, it is noted that the features upon which applicant relies

(i.e., differentiate the information to be stored in the flash memory 104 into functions and

variables) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). In this case, what is in Applicant's claim 1 is the recited feature of "the address-modification control unit controls a function address table area and a variable address table area" or what is in Applicant's claim 4 is the recited feature of "the address storage area includes a function address table area and a variable address table area." As discussed in the response to Applicant's argument (1), Miyauchi does show the above limitations.

8.   In the remarks, the applicant's argued (3) that the AAPA and Miyauchi fail to teach or suggest the combination and arrangement of elements and method steps recited in claims 1 and 4 of the present application.

The examiner disagreed with the applicant's arguments (3) because as stated in the 103 rejections above, paragraph 4, the combination of AAPA and Miyauchi does show the combination and arrangement of elements and method steps recited in claims 1 and 4 of the present application.

9.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

        a)   Farrugia et al. (5625791) show the use of a non-volatile memory storing permanent data as well as variable data;

10.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

11.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Denise Tran whose telephone number is (703) 305-

9823. The examiner can normally be reached on Monday, Thursday and an alternated

Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Matt Kim can be reached on (703) 305-3821. The fax phone numbers for

the organization where this application or proceeding is assigned are (703) 872-9306 for

central Official communications.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is (703) 305-

3900.

Peurepan

D.T.
February 18, 2004